

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the San Francisco Airport's refusal to comply with California Public Utilities Code section 99152 and 164-B and order to show cause why the Airport should not be ordered to complete a system safety program plan prior to commencement of the Airport's operations of its AirTrain transportation system.

Investigation 02-07-014
(Filed July 17, 2002)

SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER

Following a Prehearing Conference on August 7, 2002, **IT IS RULED** that:

1. Summary

This ruling sets forth the procedural schedule, addresses the scope of the proceeding and designates the presiding officer pursuant to Pub. Util. Code § 1701.2(a) and Rule 6.3 of the Rules of Practice and Procedure.

2. Scope of the Proceeding

At issue in this application are the following matters:

- a. Has San Francisco International Airport (SFO) demonstrated that its AirTrain people-mover system is not subject to Commission jurisdiction pursuant to Pub. Util. Code § 99152?
- b. Has SFO demonstrated that its AirTrain people-mover system is not subject to General Order (GO) 164-B, GO 143-B, and GO 127?

3. Schedule

A hearing is not necessary. The issues will be dealt with on brief. The parties have agreed to the following briefing schedule:

September 18, 2002	SFO will file and serve its opening brief and a joint statement of undisputed facts.
October 23, 2002	The Rail Transit Safety Staff will file and serve its responsive brief.
November 6, 2002	SFO may, but is not required to, file and serve its rebuttal brief.

Since this matter is adjudicatory, ex parte communications are banned. Resolution of this case is anticipated by January 2003.

4. Category of Proceeding; Presiding Officer

This application is adjudicatory, as defined in Rule 6(c)(1). Administrative Law Judge Walker is designated as the presiding officer.

Dated August 13, 2002, at San Francisco, California.

/s/ GEOFFREY F. BROWN

Geoffrey F. Brown
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner on all parties of record in this proceeding or their attorneys of record.

Dated August 13, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.